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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,064

09/30/2003

James David Cebula

740883-175

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09/22/2006

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EXAMINER

CHAVIS, JOHN Q

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,064

Applicant(s)

CEBULA ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. The applicant claims a "computer readable medium" (for example, see sect. 0126); however, it is noted in the specifications that the computer readable medium includes a "carrier wave". Therefore, the claimed feature is not considered statutory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12, 17 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Leung (6,769,114).

What is claimed is:

Leung

1. A computer-implemented method for software testing, comprising: analyzing the source code under test to generate a scan file, including a map of the source code under test and a tree structure for the source code under test;

See the title, abstract and figs. 4 and 5. It does not appear that the map and the tree structure is utilized in the remainder of the claims or how they are used; however, it is considered the features may have been intended to provide a means for communicating related features between different versions. The feature is considered taught by Leung's item 304 of fig. 3, which provides for a substantially similar feature via his "Generate data collection instructions..., output parameters and subroutine calling sequences" (inherently via a tree, map or an equivalent means) to keep up with program structure.

generating a stub file for the source code under test based on the scan file;

See fig 3, item 310.

generating a driver test script file based on the scan file and the stub file;

" " "

generating a test driver based on the driver test script file; and

" " "

running the test driver on the source code under test to generate a results file for summarizing the results of the software testing.

See fig. 3 item 312.

2. The method of claim 1, wherein said analyzing step is automatically performed by a code scanner configurable by a graphical user interface.

See col. 4 lines 26-30.

3. The method of claim 1, wherein the step of generating the stub file is

See col. 8 lines 42-61.

automatically performed by a stub generator configurable by a graphical user interface.

4. The method of claim 1, wherein the step of generating the driver test script file is automatically performed by a driver script generator configurable by a graphical user interface.

" " "

5. The method of claim 1, wherein the step of generating the test driver is automatically performed in a driver build directory configurable by a graphical user interface.

" " "

6. The method of claim 1, further comprising displaying the results file with a graphical user interface.

See the rejection of claim 1.

7. The method of claim 1, wherein the map includes a list of executable source code names, package names, and procedure or function names for the package names.

" " " "

8. The method of claim 7, further comprising generating the list of executable source code names for the stub file and the source code under test.

" " " "

9. The method of claim 7, further comprising generating the tree structure by performing calls until the procedures or function for each of the packages are determined.

" " " "

10. The method of claim 1, further comprising providing a graphical user interface for performing the analyzing step, the step of generating the stub file, the step of generating the driver test script file, the step of generating the test

See the rejection of claims 2-5.

driver, and the running step.

11. The method of claim 10, further comprising employing the graphical user interface for specifying variable and variable type definitions.

" " " "

12. The method of claim 10, further comprising employing the graphical user interface for documenting the software testing.

" " " "

17. The method of claim 10, further comprising displaying the scan file, the source code under test, the driver test script file, the test driver, and the results file, via the graphical user interface.

See the rejection of claim 10.

Claims 18-29 are rejected as claims 1-12 above.

As per claim 34, see the rejection of claim 17.

In reference to claims 35-37, see the rejection of claim 10 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-16 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of the applicant's choice of implementation features to utilize.

Claims

Leung

13. The method of claim 10, further comprising providing a FTP capability via the graphical user interface.

It is not clear how or if this feature is used; however, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Leung's system with the FTP feature to enable it's inherent features of simplifying copying to and from remote systems.

14. The method of claim 10, further comprising providing multi-language support for the source code under test via the graphical user interface.

It is also not clear how or if this feature is used. It appears to merely be listed as an afterthought. However, it would be obvious to a person of ordinary skill in the art at the time of the invention to utilize the feature in Leung's system to enable users from various locations or familiar with various programming languages to utilize the features.

15. The method of claim 10, further comprising providing mixed-language software testing via the graphical user interface.

“ “ “ “

16. The method of claim 1, further comprising implementing the method via object-oriented programming.

The programming language is considered merely a selectable choice Of design and therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to select an object oriented language to use to take advantage of it's inherent features of modularity and ease of use during updates.

Claims 30-33 are rejected as claim 13-16.

Art Unit: 2193

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis
Primary Examiner AU-2193